

EXHIBIT "D"

INMATE REQUEST FOR ADMINISTRATIVE REMEDY

om: Cruz, Juan Carlos	40595-004	Birmingham	FPC Montgomery
LAST NAME, FIRST, MIDDLE INITIAL	REG.-NO.	UNIT	INSTITUTION

RESPONSE/DISPOSITION

Remedy ID #366938-F1

This is in response to your request dated February 10, 2005, and receipted in this office on February 10, 2005. In this request, you are asking that the response to your BP 8 ½ be reconsidered and that you be made eligible for a 3621(e) release.

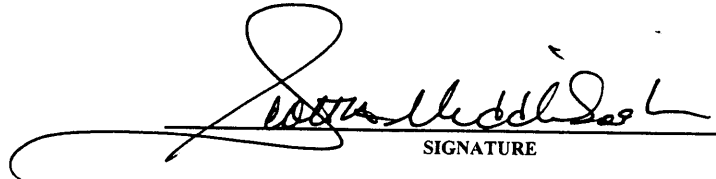
In response to your request, your Central and DAP files were thoroughly reviewed, you were interviewed by the FPC Montgomery DAP Coordinator, ISM and Unit Managers were consulted. In the review of your records and in consultation with the aforementioned institutional staff, it was noted that you currently have an INS detainer. This detainer makes you ineligible for halfway house and 3621(e) release. As explained in your request to staff, Program Statement 5330.10 chapter 6.1.1 (5) covers the requirement for eligibility for a community-based program placement and Program Statement 5330.10 chapter 6.1.1 (I) covers the ineligibility of INS detainees. Therefore, you are still considered ineligible for a 3621(e) release.

Your request for relief is denied at this time.

accordance with Program Statement Number 1330.13, Administrative Remedy Program, "An inmate who is not satisfied with the Warden's response may submit an Appeal on the appropriate form (BP10) to the appropriate Regional Director within 20 calendar days of the date the Warden signed the response."

2/25/05

DATE


SIGNATURE

Regional Administrative Remedy Appeal No. 366938-R1
Part B - Response


This is in response to your Regional Administrative Remedy Appeal receipted March 14, 2005. You allege the Bureau of Prisons has unfairly denied you consideration for early release based on your status as an Immigration and Naturalization Services (INS) detainee. As relief, you seek provisional approval of early release.

Program Statement 5330.10, Drug Abuse Programs Manual, Chapter 6, Section 6.1.1.(5), states that an inmate must be eligible to participate in community based programs to complete the transitional services component of the Residential Drug Abuse Program (RDAP). INS detainees are not eligible for community placement. You are classified as an INS detainee. Under Chapter 6, Section 6.1.1, the Director has the discretion to deny early release benefits to INS detainees. In addition, under Chapter 6, Section 6.1.1. 5. (2), states inmates with detainers who were participating in RDAP on or before August 17, 1995 could be released directly to the detainer via §3621(e) release. Your present participation in RDAP is well after the August 17, 1995 period. Therefore, you do not meet this criteria.

Furthermore, the Bureau of Prisons does not have "a 'special' halfway house in Colorado which offers drug programs to Cuban nationals." The Federal Correctional Institution at Englewood, Colorado, housed a RDAP for Mariel Cubans, but this program ceased operations in 2004.

Accordingly, your Regional Administrative Remedy Appeal is denied. If dissatisfied with this response, you may appeal to the Office of General Counsel, Bureau of Prisons, 320 First Street, NW, Washington, DC, 20534. Your appeal must be received in the Office of General Counsel within 30 calendar days from the date of this response.

4-11-05
Date



Regional Director, SERO